HIGH COURT OF UTTARANCHAL AT-NAINITAL.

Writ Petition No. 285(S/S) 2005

1. Sri Ram Yadav S/o Late Sri Shyam Lal Yadav
   Asstt. Teacher, Primary School Bhaduni Bheem Tal,
   District Nainital.
2. Banke Lal Gangwar S/o Late Sri Ram Lal Gangwar,
   Asstt. Teacher, Primary School Bhaduni Bheem Tal,
   Nainital. …….Petitioners.

Vs.

1. Joint Director of Education Nainital,
2. Basic Shiksha Adhikari, Udham Singh Nagar,
3. Basic Shiksha Adhikari, Nainital. …….Respondents.

Sri S.S. Yadav, leaned counsel for the petitioners,
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri S.S. Yadav, leaned counsel for the petitioners and learned Standing Counsel for the respondents.

By means of this petition, the petitioners, who are Assistant Teachers in Basic School Bhaduni, Bheem Tal district Nainital, have prayed for a writ, order or direction in the nature of mandamus directing the respondents to relieve the petitioners for district Udham Singh Nagar from district Nainital on the vacant posts of Assistant Teacher.

Contention of the petitioners is that the petitioners were appointed as Assistant Teachers in Basic School in district Nainital. In the year 1995 a new district, namely, Udham Singh Nagar was bifurcated from district Nainital. At the time of bifurcation, the petitioners were teaching in district Nainital, therefore, options were invited from the petitioners and they have opted for district Udham Singh Nagar. The respondent no. 2 has prepared a list of the employees, who have opted for District Udham Singh Nagar, in which names of the petitioners are at serial no. 28 & 85 respectively. The petitioners have made representation several times before the authority concerned to relieve them for the district they have opted. Till date, the respondents have not taken any decision on the

representation and they are not being relieved to district Udham Singh Nagar.

In view of the aforesaid facts, I direct the Joint Director of Education (Basic) Kumaon Division, Nainital, if he is holding the charge of Basic Schools and in case he is not holding the charge of the Basic Schools, the authority who is In-charge of the Basic Schools of the Region, shall decide the representation moved by the petitioners within a period of four weeks from the date of receipt of a certified copy of this order. The petitioners are directed to place the copy of this order alongwith their representation before the Joint Director of Education Basic Kumaon Region, Nainital/ In-charge Regional Basic School within two weeks from today.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

April 8, 2005:
NCM: